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**From:** Wilder, Scott [Wilder.Scott@epa.gov]  
**Sent:** 7/6/2015 5:49:28 PM  
**To:** Chalfant, Mark [Chalfant.Mark@epa.gov]; Cirian, Mike [Cirian.Mike@epa.gov]  
**CC:** Parker, Robert [Parker.Robert@epa.gov]; Peterson, Cynthia [Peterson.Cynthia@epa.gov]  
**Subject:** RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Thanks Mark. I would like to join you on tomorrow's call.

Scott Wilder  
CERCLA Technical Enforcement Program  
U.S. Environmental Protection Agency, Region 8  
Currently located at:  
1200 6th Ave. ORC-113  
Seattle, WA 98101  
tel. (206)553-6693

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**From:** Chalfant, Mark  
**Sent:** Monday, July 06, 2015 11:44 AM  
**To:** Cirian, Mike  
**Cc:** Wilder, Scott; Parker, Robert; Peterson, Cynthia  
**Subject:** FW: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

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**Law Enforcement / Ex. 7a; Attorney Client & Deliberative Process / Ex. 5;**

Thanks,  
Mark

## Glencore sets up CFAC cleanup panel

By RICHARD HANNERS Hungry Horse News Hagadone Corporation | [0 comments](#)

Plans and timetables for clean up, site redevelopment and environmental monitoring at the Columbia Falls Aluminum Co. site were the goals expressed by a community liaison group at their May 14 organizational meeting.

Ann Green Communications, a public relations company based in South Charleston, W.Va., has been hired by CFAC's owner, Glencore, to disseminate information between the community and Glencore as the CFAC cleanup process moves forward.

Mary Green, who facilitated the meeting hosted by CFAC, said she made several trips to the Flathead in March and April to solicit recommendations for members of the CFAC Community Liaison Panel.

"I asked people who they thought should be on this panel," she said about the selection process.

Among the chosen were Columbia Falls mayor Don Barnhart, city manager Susan Nicosia and police chief Dave Perry; Flathead County Commissioner Phil Mitchell; Sen. Jon Tester field representatives Virginia Sloan and Chad Campbell; Rep. Ryan Zinke field representative John Fuller; Columbia Falls Area Chamber of Commerce president Stacey Schnebel; and Flathead County emergency planner Nikki Stephan.

Private citizens on the committee include Michael Nicosia, Nino Berube, Clarence Taber, Shannon Stringer, Ray Negron, Lyle Mitchell and Bev York. Erin Sexton, a research scientist at the University of Montana's Flathead Lake Biological Station, is also on the panel.

Glencore sent two people. Cheryl Driscoll is a senior vice president at CFAC's corporate headquarters in Stamford, Conn. John Stroiazzo is a project manager responsible for closing industrial sites for Xstrata, the giant mining company that merged with Glencore two years ago.

Stroiazzo recently headed up site remediation at Xstrata's zinc and copper mine in Timmons, Ontario.

"I'm here to help (CFAC environmental manager) Steve Wright with the remedial investigation and demolition," he said.

Two people who were not invited to sit on the panel showed up at Freedom Bank on May 14 and got a seat — Sen. Dee Brown, R-Hungry Horse, and Rep. Zak Perry, D-Martin City. Two reporters sat in on the meeting as "guests" — they were not allowed to participate directly, but panel members said they wanted the meeting kept open to the public.

Green pointed out that having Driscoll and Stroiazzo there proved how serious Glencore was about the cleanup process.

"We are very fortunate that Cheryl is sitting here," Green pointed out. "This is exceptional."

Berube, a former CFAC engineer, asked what the community will get from the panel. He also wanted to know if Driscoll and Stroiazzo were decision makers.

Stringer, another former CFAC employee, pointed out that the last time Glencore sent someone from CFAC's Connecticut office, it led to community distrust.

"I agree, the past you experienced was not good," Driscoll replied. "I knew I had to come. I love Columbia Falls. I worked on the CFAC acquisition in 1998."

"We know about the trust issues," Green added.

Driscoll pointed out that Glencore has hired Roux Associates to develop a remedial investigation and feasibility study for cleaning up the CFAC site, Calbag Resources to begin demolition, and Ann Green Communications to improve relations with the public.

"I know there has been a lot of bad feelings about Glencore," she said. "But a lot has changed at Glencore since the initial public offering (in 2011) and the merger with Xstrata (in 2013)."

Driscoll said Xstrata brought a lot of operational and engineering expertise to Glencore, which was primarily a commodities trading company.

"We can now be more proactive in dealing with the CFAC site," she said.

Green noted that with so much interest in the panel, the June 11 meeting might be held at a larger venue.

"By that time, demolition will have started," she pointed out, raising local concerns about increased traffic and dust.

Green asked for a serious commitment by panel members — the group could end up meeting once a month for several years.

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**From:** Otis, Andrew D. [mailto:[aotis@curtis.com](mailto:aotis@curtis.com)]

**Sent:** Monday, July 06, 2015 11:23 AM

**To:** Chalfant, Mark

**Cc:** Cirian, Mike; [John.Stroiazso@glencore-ca.com](mailto:John.Stroiazso@glencore-ca.com); 'Steve Wright'

**Subject:** RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Dear Mark,

Following up on your email below, I propose that we have the next steps call at 3:00 p.m. ET (1:00 p.m. MT) on July 7. I will be joined by Steve Wright of CFAC and John Stroiazso of Glencore. Please let me know if that date and time works for you and Mike.

With regard to the other matters in your email below, CFAC proposes to send to you their comments on the proposed AOC by July 15, 2015.

We are reviewing the RI/FS work plan now and believe that it largely conforms to the Statement of Work with some minor exceptions that we would like to discuss with you, along with questions we have based on the Statement of Work, at the initial meeting which we would propose for the first week of August.

Best regards,

Andrew

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**From:** Chalfant, Mark [mailto:[Chalfant.Mark@epa.gov](mailto:Chalfant.Mark@epa.gov)]

**Sent:** Thursday, July 02, 2015 4:17 PM

**To:** Otis, Andrew D.

**Cc:** Cirian, Mike

**Subject:** RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Mr. Otis:

This email acknowledges receipt of Columbia Falls Aluminum Company's (CFAC's) response to Ms. Land and Ms. Madigan dated June 25, 2015. Specifically, Mr. Wright, in the response to EPA, stated that CFAC accepts EPA's invitation to negotiate an Administrative Order on Consent (AOC) to conduct a remedial investigation and feasibility study (RI/FS) in connection with the above-referenced Superfund site.

I am following up with you as Mr. Wright requested in CFAC's June 25, 2015, response. EPA welcomes CFAC's willingness to negotiate an AOC for the RI/FS. In connection with EPA's general notice and demand letter dated June 9, 2015, EPA previously provided CFAC with a proposed AOC and general statement of work. In the June 9, 2015, letter, EPA acknowledged CFAC's preparation of a detailed RI/FS work plan and requested that CFAC compare the detailed RI/FS work plan against EPA's general statement of work.

Please let me know when CFAC expects to provide EPA with its comments on the proposed AOC. In view of CFAC's preparation of a detailed RI/FS work plan, EPA does not believe it is necessary at this time to negotiate a general statement of work pending confirmation that CFAC's detailed RI/FS work plan meets EPA's expectations as outlined in the general statement of work. We are available to participate in an initial meeting with CFAC representatives to discuss the proposed AOC and draft RI/FS work plan once EPA receives CFAC's written comments on the proposed AOC and confirms that the RI/FS work plan satisfies EPA's expectations in the statement of work. In the meantime, I suggest that we have a conference call to discuss next steps regarding negotiation of the AOC for the RI/FS. Remedial Project

Manager Mike Cirian and I are generally available on July 7<sup>th</sup> (before 1PM) or 8<sup>th</sup> (after 11AM) to participate in a conference call.

In a related matter, Mr. Wright requested additional information to support EPA's demand for payment of past costs. EPA is compiling the supporting documentation, and anticipates providing CFAC with that additional information within forty-five calendar days from the date of this email. The additional information will be in the form of a disk with an electronic copy of the reconciled cost package with links to the supporting information on a line item basis.

I look forward to your response regarding the timing of CFAC's comments on the proposed AOC, and the scheduling of a conference call to discuss next steps.

Thank you.

Mark

**Mark A.R. Chalfant**

Attorney

Legal Enforcement Program

Office of Enforcement, Compliance and Environmental Justice | U.S. EPA Region 8

303.312.6177 | [chalfant.mark@epa.gov](mailto:chalfant.mark@epa.gov)

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**From:** Otis, Andrew D. [<mailto:aotis@curtis.com>]

**Sent:** Friday, June 26, 2015 7:34 AM

**To:** Chalfant, Mark

**Cc:** Cirian, Mike; Wilder, Scott; Lim, Dianna

**Subject:** RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Dear Mark,

Attached please find an electronic courtesy copy of a letter that CFAC Vice President – Environmental Management Steve Wright sent via USPS yesterday to Kelcey Land and Andrea Madigan in response to EPA's June 9, 2015 General Notice Letter addressed to him. I have taken the liberty of copying Mr. Cirian, Mr. Wilder and Ms. Lim on this email as a means of also copying them on the letter.

Per your email below, I look forward to discussing with you a mutually agreeable date by which CFAC would submit its comments on EPA's proposed Administrative Order on Consent and draft statement of work and provide you with a draft RI/FS work plan.

Best regards,

Andrew Otis

Andrew D. Otis

Partner

Curtis, Mallet-Prevost, Coll & Mosle LLP

101 Park Ave

New York, NY 10178-0061

Phone: (212) 696 - 6907

Fax: (917) 368 - 7307



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**From:** Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]

**Sent:** Friday, June 12, 2015 12:52 PM

**To:** Otis, Andrew D.

**Subject:** RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Mr. Otis:

This is in response to your June 8, 2015, invitation to the Environmental Protection Agency (EPA) and the Montana Department of Environmental Quality (MDEQ) to comment on Columbia Falls Aluminum Company's (CFAC's) draft remedial investigation/feasibility study (RI/FS) work plan.

To facilitate EPA-CFAC RI/FS negotiations, the EPA included a draft RI/FS statement of work in its June 9, 2015, general notice and demand letter. This draft statement of work is intended to inform the development of the RI/FS work plan. We recommend that CFAC carefully review the EPA's draft RI/FS statement of work to ensure that CFAC's June 9, 2015 RI/FS work plan meets EPA expectations.

On behalf of both the EPA and the MDEQ, I wish to inform you that neither regulatory agency will be commenting on CFAC's June 5, 2015 draft RI/FS work plan until CFAC has had the opportunity to review the work plan against EPA's general statement of work. Although the agencies appreciate the fact that CFAC has retained an environmental consultant to prepare a draft RI/FS work plan, the EPA, in consultation with the State of Montana, will be following the established Superfund process, including the agency's "Guidance on Conducting Remedial Investigations and Feasibility Studies Under CERCLA" (OSWER Directive No. 9355.3-01 (October 1988)), in overseeing the RI/FS. The EPA will conduct the RI/FS process in consultation with the State of Montana as provided for by CERCLA and the National Contingency Plan.

Also, please note that the EPA has shared with the State of Montana a copy of the proposed settlement agreement and the draft statement of work. The MDEQ has expressed interest in commenting on RI/FS documents.

Please confirm CFAC's willingness to enter into negotiations with the EPA regarding the RI/FS administrative settlement agreement by no later than June 27, 2015. If CFAC wishes to enter into settlement negotiations, we can then discuss a mutually agreeable date by which CFAC will respond to the EPA's proposed administrative settlement agreement and draft RI/FS statement of work, and provide a revised RI/FS work plan for agency review.

We look forward to your response, and welcome CFAC's cooperation in commencing the RI/FS process in an expeditious manner.

-Mark

**Mark A.R. Chalfant**

Attorney

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**From:** Otis, Andrew D. [<mailto:aotis@curtis.com>]

**Sent:** Tuesday, June 09, 2015 10:29 AM

**To:** Chalfant, Mark

**Subject:** RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Dear Mark,

Thanks for the Curtis copy. I acknowledge receipt. We will review these documents and get back to you.

Best regards,

Andrew

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**From:** Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]

**Sent:** Tuesday, June 09, 2015 10:42 AM

**To:** Otis, Andrew D.

**Subject:** EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Mr. Otis:

Thank you for your email yesterday. The attached documents were sent by USPS certified mail in today's mail. A courtesy copy is attached.

Mark

**Mark A.R. Chalfant**

Attorney

Legal Enforcement Program

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Curtis, Mallet-Prevost, Colt & Mosle LLP (101 Park Avenue, New York, NY 10178)

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Curtis, Mallet-Prevost, Colt & Mosle LLP (101 Park Avenue, New York, NY 10178)

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